

REMARKS

Applicant would like to thank the Examiner for the telephone interview conducted on July 2, 2004, and submits the following remarks in accordance with the Examiner's request.

Claims 1-7 have been rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. Specifically, the Examiner stated that the recitation of, "wherein the determining of the critical regions is defined by height and spacing of the coating to be etched off," in claim 1, as amended by Applicant's Amendment dated January 5, 2004, is not enabled by Applicant's specification.

Applicant respectfully submits that the referenced claim language was originally recited by cancelled claim 3, which was previously examined on the merits by the Examiner in the Office Action dated October 3, 2003. Furthermore, Applicant submits that at least the final paragraph of page 3 of the application enables this feature of claim 1, stating in part, "[i]n addition to the spacing of the graphic elements A, B and C from one another, the thickness of the material to be etched away is also to be taken into consideration in the determination of the critical regions."

Applicant requests that the Examiner withdraw the rejection of claims 1-7 under 35 U.S.C. §112, first paragraph, in light of the above remarks, and reconsider the claims as amended.

Applicant notes that the Examiner mistakenly rejected claim 3 in the current action. Claim 3 was cancelled in Applicant's amendment dated January 5, 2004.

Claims 1-7 have also been rejected under 35 U.S.C. §102(b) as anticipated by Liebman (U.S. Patent No. 5,553,274). By not considering the claims as amended, the Examiner appears to have dismissed Applicant's remarks in response to the previous Office Action. Therefore, Applicant again notes that Liebman discloses an optical proximity correction routine to control accuracy in VLSI patterning operations such as photolithography and receive ion etching. The routine disclosed by Liebman involves performing a series of expanding, shrinking, and subtracting operations on a mask to predistort the mask, thereby biasing the mask in anticipation of pattern

distorting during wafer processing. Liebman does not disclose or suggest Applicant's method for recognizing and rectifying etch-critical regions, as recited in claim 1 of the present application. Specifically, Liebman does not disclose or suggest that critical regions be defined using height and spacing of the coating to be etched off, as recited in claim 1 of the present invention. Liebman is not drawn to, nor does it enable, recognizing and rectifying etch-critical regions.

Applicant submits that the Examiner should have considered amended claim 1, and therefore respectfully requests that the Examiner withdraw the finality of the Office Action dated March 31, 2004, and allow the claims as amended.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 449122030700. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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